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10/567,271	02/06/2006	Junbiao Zhang	PU030241	9732

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EXAMINER	
VU, PHY ANH TRAN	

ART UNIT	PAPER NUMBER
2437	

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11/08/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/567,271	ZHANG ET AL.	
	Examiner	Art Unit	
	PHY ANH VU	2437	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 August 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *8/19/2010; 2/6/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This office action is in response to the amendment filed 8/19/2010.

Response to Arguments

Regarding 101 issues: Rejections for claims 10 and 16 are withdrawn.

Regarding claim 1, on pages 9 and 10 Applicant argues that Rix does not disclose or suggest "receiving a first information item comprising an access code and a content key scrambled using a key known by said device, said access code generated by said at least one server in response to a request for a second information item provided by the content requester, transmitting said access code to a server hosting said second information item, and receiving said second information item scrambled using said content key after said server hosting the second information item verifies said access code."

In response, Examiner respectfully disagrees. First of all, a server is broadly defined as any device that provides services for other devices. Secondly, a network is defined as two or more devices interconnected by communications channels that facilitate communications.

Rix discloses a subscriber using a smartcard to receive a subscribed program through a conditional access module (CAM). By inserting the smartcard into the CAM, the subscriber is indirectly requesting to receive a control word, so that the control word can be used to descramble digital data stream of the subscribed program. Before the control word is sent to the smartcard, the smartcard will need to be authenticated to

make sure it is in fact an authorized smartcard to receive the control word. So, in response to the subscriber inserting the smartcard into the CAM to request for the control word, the CAM generates two random numbers Ci (*content key*) and A (*access code*)(*corresponding to the recited said access code generated by said at least one server in response to a request for a second information item provided by the content requester*)(*Column 2, lines 52-54*). The CAM encrypts the two generated random numbers Ci and A with its own public key and transmit the encrypted generated random numbers Ci and A to the smartcard (*corresponding to receiving a first information item comprising an access code and a content key scrambled using a key known by said device*) (*Column 2, lines 54-59*). Upon receiving the encrypted generated random numbers Ci and A, the smartcard, decrypted it, and send back to the CAM the random number A encrypted with random Ci (corresponds to transmitting said access code to a server hosting said second information item)(*Column 2, lines 59-62*). Furthermore, once the random number A (access code) is verified, the CAM forward the entitlement control message which containing the encrypted control word to the smartcard. It is interpreted by the Examiner that the encrypted control word is indirectly encrypted with the random number Ci, because after the random number A has been verified, key Ci (content key) is used in all communications between the smartcard and the CAM. Thus, contrasting to Applicant's argument, Rix discloses "receiving a first information item comprising an access code and a content key scrambled using a key known by said device, said access code generated by said at least one server in response to a request for a second information item provided by the content requester, transmitting said

access code to a server hosting said second information item, and receiving said second information item scrambled using said content key after said server hosting the second information item verifies said access code."

On page 11, Applicant argues that "(T)here is no motivation to combine Rix and Creighton to come up with the claimed invention. This is because each solves a different problem and the combination would not produce the claimed invention. Rix is concerned with the secure communication between a smart card and a CAM in order to prevent the switching of an authorized smart card with an unauthorized smart card. Creighton is concerned with authorizing business partners to access information from a central website accessible via the Internet with the use of digital certificates. These are entirely different environments having different considerations and problems."

In response, Examiner respectfully disagrees. Both Rix and Creighton disclose the concept of providing resources to device that has been authenticated. In Rix, the CAM performs both authenticating, and providing content, once the device has been authenticated. Creighton discloses a system that delegates different tasks to different entities, each of which is more effectively and efficiently specialized in solving a particular task. As such, both Rix and Creighton are about authenticating access requests. Therefore, one of ordinary skill in the art would have been motivated to incorporate the teachings of Creighton into the method and/or system taught by Rix to achieve the advantage as described in the Office Action.

Examiner Notes

Examiner cites particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-2, 4-5, 10-13, and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rix et al (US 6,385,317-hereinafter Rix), and further in view of Creighton et al (US 2002/0032665-hereinafter Creighton).

Regarding claim 1, Rix discloses a device, located at a remote site in communication with a network having at least one server and a content requester, comprising:

processor in communication with a memory, said processor operable to execute code for (*Fig. 1, elements 5, 10 and 11; Column 2, lines 16-19*):

receiving a first information item comprising an access code and a content key scrambled using a key known by said device (*Column 2, lines 33-59)* said access code generated by said at least one server in response to a request for a second information item by the content requester (*column 2, lines 22-29, 52-54*);

descrambling said first information using the key known by said device *(column 2, lines 56-59)*;

transmitting said access code to the server hosting said second information item *(Column 2, lines 59-column 3, line 3)*.

receiving said second information item scrambled using said content key after said server hosting the second information item verifies said access code (Column 2, line 62-column 3, line 7).

Rix does not explicitly disclose said access code is transmitted to a different server other than the at least one server.

However, Creighton discloses digital certificate (access code) issued by the certification authority (the at least one server) to the business partner is transmitted to the limited access website of the business owner (different server) for verification before access to sensitive information is granted (*[0012][0046]-[0047]*).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the structure of Creighton into the device of Rix to provide for an effective and efficient system of distributing tasks (*[0007]*).

(Please also see, MPEP 2144.04(V)(C) Making Separable. In re Dulberg, 289 F.2d 522, 523, 129 USPQ 348, 349 (CCPA 1961) (The claimed structure, a lipstick holder with a removable cap, was fully met by the prior art except that in the prior art the cap is "press fitted" and therefore not manually removable. The court held that "if it were considered desirable for any reason to obtain access to the end of the prior art's holder to which the cap is applied, it would be obvious to make the cap removable for that purpose.

Regarding claim 2, Rix also discloses said processor is further operable to execute code for:

Descrambling said second information item using said content key (*Column 2, lines 64-column 3, line 7*)

Regarding claim 4, Creighton also discloses transmitting said access code in unencrypted form, said transmitting being selected from the group consisting of : automatically, at a predetermined time, at a predetermined time offset, responsive to a manual input (*[0012][0035]-[0036]0047]*).

Regarding claim 5, Rix also discloses the device as recited in claim 1, wherein said content key is selected from the group consisting of: a public key, a shared key (*Column 3, lines 4-15*).

Claim 10 is rejected for the same rationale as claim 1 above.

Claim 11 is rejected for the same rationale as claim 3 above.

Claim 12 is rejected for the same rationale as claim 5 above.

Claim 13 is rejected for the same rationale as claim 6 above.

Regarding claim 29, Rix also discloses the transmitting step is performed after a predetermined time from when an initial request for said second information item is sent to said at least one server (*Column 2, lines 52-59*).

Claim 30 is rejected for the same rationale as claim 29 above.

Claims 16-20, 23-27, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rix and further in view of Taki (US Patent 7,392,393-hereinafter Taki).

Regarding claim 16, Rix discloses a method for transferring secure content over a network comprising the steps of:

receiving a request for content at a first server over a first network from a file requesting device (*Column 2, lines 20-29,52-67*)

generating a first information containing an access code and a content key at said first server in response to said request for content by said file requesting device (*Column 2, lines 52-54*)

transferring said first information item to said designated remote site having said file receiving device (*Column 2, lines 56-59*), wherein said access code and said content key are scrambled using an encryption key (*Column 2, lines 54-56*)

receiving said access code from said designated remote site having said file receiving device (*Column 2, lines 59-62*)

transferring secure content over a network after verification of said access code, wherein said secure content is encrypted using said content key (*Column 2, lines 65-column 3, line 15*)

Rix does not explicitly disclose receiving a request for content at a first server over a first network from a file requesting device, said request including an encryption key known to a designated remote site, and transferring content over a second network.

However, Taki discloses receiving a request for content at a content distribution server over a first network from a mobile information terminal, said request including a public key of the home PC (*Figs. 2 and 3; column 12, lines 23-31*), and transferring content over to the home PC which corresponds to the recited second network (*Figure 3; column 8, lines 51-56*)

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the features disclosed by Taki into the device of Rix to allow users using a mobile terminal having small memory issue a request for a content to be downloaded at a different user's device (*column 2, lines 7-26*) .

(Please also see, MPEP 2144.04(V)(C) Making Separable. In re Dulberg, 289 F.2d 522, 523, 129 USPQ 348, 349 (CCPA 1961) (The claimed structure, a lipstick holder with a removable cap, was fully met by the prior art except that in the prior art the cap is "press fitted" and therefore not manually removable. The court held that "if it were considered desirable for any reason to obtain access to the end of [the prior art's] holder to which the cap is applied, it would be obvious to make the cap removable for that purpose.

Regarding claim 17, Taki also discloses wherein said first network and said second network are the same network *(Figure 1).*

Regarding claim 18, Taki also discloses the method as recited in claim 16, wherein a file requesting device is selected from the group consisting of: personal digital assistant, cellular telephone, notebook computer and personal computer. *(Figures 2 and 3, mobile information terminal)*

Regarding claim 19, Taki also discloses a file receiving device is selected from the group consisting of: personal digital assistant, cellular telephone, notebook computer and personal computer *(Taki Fig. 1, element 120; Col 8, lines 51-63, home PC which corresponds to personal computer).*

Regarding claim 20, Taki also discloses a first network is a wireless network (*Taki Fig. 1, elements 130 & 150, wherein the mobile information terminal is in communication with the content distribution server via wireless connection, thus implies that the network is wireless*)

Regarding claim 23, Rix also discloses transferring over a network said secure content after verification of said access code, wherein said secure content is scrambled using said content key (*Column 2, lines 59-column 3, line 15*).

Regarding claim 24, Rix also discloses the step of transferring said access code and said content key is over said first network (*Fig. 2; Column 2, lines 52-59*)

Regarding claim 25, Rix and Taki disclose the step of transferring said access code and said content key is over a second network (*Rix-Column 2, lines 54-59;* Creighton- *[0012][0035]-[0036]*).

Claim 26 Taki also discloses said second network is a high-speed network (*Fig. 1, wherein home PC communicates with content distribution server*).

Regarding claim 27, Rix and Taki also discloses said second network is a content delivery network *(Rix-column 2, line 64-column 3, line 3; Taki-Figure 3, column 8, lines 51-56).*

Claim 31 is rejected for the same rationale as claims 29 and 30 above.

Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rix, Creighton, and further in view of Ohmori (US 2004/0049464-hereinafter Ohmori).

Rix and Creighton do not disclose said first information item includes a use-limit indication.

However, Ohmori discloses a use-limit indication *([0025])*

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Ohmori into the device of Rix and Creighton to effectively limiting user's use of work stored in storage mediums *([0010])*

Regarding claim 6, Hori also discloses use-limit indication is selected from the group consisting of: number uses, time-period *([0089], wherein time period allowed for reproduction is restricted).*

Claims 7-9, and 14- 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rix ,Creighton, and further in view of WIPO (WO 02/32026 A1, hereinafter Henrick).

Regarding claim 7, Rix and Creighton do not disclose wherein said first information item further includes a content location.

However, Henrick discloses content location *(e.g: Page 8, lines 4-5, wherein the location of the content is transmitted to the PC).*

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Henrick into the system of Taki in view of Hori because it would provide for the user to quickly know the destination of the content.

Regarding claim 8, Henrick also discloses transmitting content location *(e.g: Page 8, lines 4-5, wherein the location of the content is transmitted to the PC, therefore, it's implied that a processor is operable to execute code for transmitting content location).*

Regarding claim 9, Henrick also discloses transmitting content location to PC *(e.g: Page 8, lines 4-5, wherein the location of the content is sent to the PC, which implies that the location of content is already known).*

Claim 14 is rejected for the same rationale as claim 7 above.

Claim 15 is rejected for the same rationale as claim 9 above.

Claims 21 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rix ,Taki, and further in view of WIPO (WO 02/32026 A1, hereinafter Henrick).

Claim 21 is rejected for the same rationale as claim 7 above.

Claim 28 is rejected for the same rationale as claim 9 above.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rix, Taki and further in view of Kuriya et al (US 2001/0056404 A1, hereinafter Kuriya).

Regarding claim 22, Rix and Creighton do not disclose the step of transmitting said content to at least one other server in communication with said first server.

However, Kuriya discloses the step of transmitting said content to at least one other server in communication with said server (*Fig. 10, elements S1303 and S1205, wherein content is transmitted from shop server to manager server*)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Kuriya into the system of Rix and Creighton because it would provide for the most effective way of managing content

distribution, by cross checking with each other to make sure information received is correct before a request is processed *([0213-0215]).*

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHY ANH VU whose telephone number is (571)270-7317. The examiner can normally be reached on Mon-Thr 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PHY ANH VU/
Examiner, Art Unit 2437

/Emmanuel L. Moise/
Supervisory Patent Examiner, Art Unit 2437